

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No.: 3:07-CR-124
)	(VARLAN/SHIRLEY)
MICHAEL RODNEY SHARP,)	
)	
Defendant.)	

ORDER

This criminal action is before the Court on the Report and Recommendation filed by United States Magistrate Judge C. Clifford Shirley on June 10, 2009. [Doc. 68.] The defendant, Michael Rodney Sharp (“Defendant”), is charged in a nine-count superseding indictment with various firearm offenses. [See Doc. 19.] Defendant filed a Motion to Suppress [Doc. 57] evidence obtained as a result of a the search of the gun cabinet located at the residence of Mack Sharp, Defendant’s father, on August 29, 2007.¹ Following an evidentiary hearing on the motion to suppress on May 14, 2009, Magistrate Judge Shirley filed a Report and Recommendation [Doc. 68], in which he recommended that the Motion to Suppress be granted. There have been no timely objections to the Report and Recommendation, and enough time has passed since the filing of the Report and

¹Defendant has filed two additional motions to suppress [Docs. 28, 31], which are not the subject of the pending Report and Recommendation [Doc. 68] or this order.

Recommendation to treat any objections as having been waived. *See* 28 U.S.C. § 636(b)(1); Fed. R. Crim. P. 59(b)(2).

The Court has carefully reviewed this matter, including the underlying briefs [Docs. 57, 60] and exhibits presented. [*See* Doc. 65.] The Court is in agreement with Magistrate Judge Shirley's recommendation which the Court adopts and incorporates into its ruling. Accordingly, the Court **ACCEPTS IN WHOLE** the Report and Recommendation [Doc. 68], whereby Defendant's Motion to Suppress [Doc. 57] is hereby **GRANTED**.

IT IS SO ORDERED.

s/ Thomas A. Varlan
UNITED STATES DISTRICT JUDGE